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HOUSE BILL 499

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Antonio Lujan

AN ACT

RELATING TO WORKERS' COMPENSATION; CHANGING THE MAXIMUM  
DURATION OF PARTIAL DISABILITY BENEFITS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 52-1-42 NMSA 1978 (being Laws 1959,  
Chapter 67, Section 21, as amended) is amended to read:

"52-1-42. COMPENSATION BENEFITS--PERMANENT PARTIAL  
DISABILITY--MAXIMUM DURATION OF BENEFITS.--

A. For permanent partial disability, the workers'  
compensation benefits [~~not specifically provided for in Section  
52-1-43 NMSA 1978~~] shall be a percentage of the weekly benefit  
payable for total disability as provided in Section 52-1-41  
NMSA 1978. The percentage of permanent partial disability  
shall be determined pursuant to the provisions of Sections  
52-1-26 through 52-1-26.4 NMSA 1978. The duration of partial

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1 disability benefits shall [~~depend upon the extent and nature of~~  
2 ~~the partial disability, subject to the following:~~

3 (1) ~~where the worker's percentage of~~  
4 ~~disability is equal to or greater than eighty, the maximum~~  
5 ~~period is seven hundred weeks;~~

6 (2) ~~where the worker's percentage of~~  
7 ~~disability is less than eighty, the maximum period is five~~  
8 ~~hundred weeks;]~~ be seven hundred weeks except:

9 [(3)] (1) where the partial disability results  
10 from a primary mental impairment, the maximum period is one  
11 hundred weeks; and

12 [(4)] (2) where the partial disability results  
13 from a secondary mental impairment, the maximum period is the  
14 maximum period allowable for the disability produced by the  
15 physical impairment or one hundred weeks, whichever is greater.

16 B. If an injured worker receives temporary total  
17 disability benefits prior to an award of partial disability  
18 benefits, the maximum period for partial disability benefits  
19 shall be reduced by the number of weeks the worker actually  
20 receives temporary total disability benefits."